THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4903 of 2007

Dated:20.03.2007

Between:
Sri Vyasa Ashramam.

... Petitioner

AND

The District Collector and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4903 of 2007

ORDER:

Sri Vyasa Ashramam, a Mutt registered under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in seeking to dispossess it from the dry land in Survey No.260 admeasuring Acs.4.05 cents situated at Amandhur Village of Yerpedu Mandal in Chittoor District, as illegal and arbitrary. A consequential direction is also sought to restrain the respondents from interfering with the possession of the petitioner.

It is the case of the petitioner that the Ashramam was established by Sri Sri Sri Malayala Swamyvaru on 03.06.1926, and during the course of its existence it has acquired certain properties, whose particulars are mentioned in the register of Charitable Institutions. It is also the case of the petitioner that the subject land is also the property of Ashramam, which was endowed by Rajas of Venkatagiri in 1935. The petitioner is proposing to construct a Hospital with fifty beds in the land comprised in Survey No.260 and also in Survey No.96. It is alleged that on 01.03.2007, the third respondent came along with his subordinates and fixed boundary stones surrounding the land so as to allot the same as house sites under the Integrated Novel Development in Rural and Modal Municipal Areas (INDIRAMMA) scheme. Aggrieved by the same, the present Writ Petition is filed.

After getting instructions, the learned Assistant Government Pleader for Revenue (General-A) submits that the Mandal Revenue Officer has only visited the site, and no steps, as yet, are taken for

acquiring the land. He also submits that during the inspection, the Mandal Revenue Officer found that the petitioner was trying to encroach into the Government land. He adds that as and when the records are verified, appropriate action will be taken in due course of time, and the allegation that the Mandal Revenue Officer tried to dispossess the petitioner is not correct.

There cannot be any denial that a person, who is in occupation of the Government land, cannot be evicted without due process of law. As this legal position is admitted by both the learned Counsel, the Writ Petition is disposed of observing that unless and until appropriate action is taken as per law, the petitioner cannot be deprived of its right in using the property. No costs.

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(**V.V.S.RAO, J**)

20.03.2007

Note: Issue C.C by 26.03.2007.

B/o.

vs